COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Boston Edison Company, Cambridge Electric Light Company,)	
and Commonwealth Electric Company)	D.T.E. 03-121
d/b/a NSTAR Electric)	
)	
)	

<u>PETITION FOR LEAVE TO INTERVENE OF</u> CONSERVATION LAW FOUNDATION, INC.

In accordance with 220 CMR § 1.03, the Conservation Law Foundation, Inc. ("CLF") hereby petitions for leave to intervene in the above-captioned proceeding and states the following in support of its petition:

- 1. CLF is a non-profit, member supported, advocacy organization. It's mission is to work to solve the environmental problems that threaten the people, natural resources and communities of New England using law, economics and science to design and implement strategies that conserve natural resources, protect public health and promote vital communities in our region.
- 2. In conducting adjudicatory hearings, the Department may "allow any person showing that he may substantially and specifically affected by the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any limited purpose". *See* G.L. c. 30A section 10, cl. (4); *see*, *also*, 220 CMR 1.036(1)(b).
- 3. CLF has a long history of participation in Department of Telecommunications and Energy (D.T.E.) proceedings involving energy efficiency and renewable energy resources. In particular, CLF was a key advocate on environmental issues in the investigatory dockets and deliberations that led to restructuring of the electric generating industry in the Commonwealth and has participated in numerous DTE dockets, including recent proceedings regarding distributed generation.
- 4. CLF and its 2,700 members who reside in Massachusetts have an intense interest in development of new electricity generation capacity, especially generation employing renewable energy technology that will reduce the environmental impact of New England's electricity generation system.

- 5. CLF believes and will contend, *inter alia*, that the standby rates proposed in this proceeding will be unduly burdensome and will act as a barrier to the creation of new distributed generation (see G.L. c. 164 section), especially renewable energy based generation.
- 6. CLF will also contend that formulation of pricing schemes such as the one at issue herein should fully recognize the potential value of distributed generation, as well as the costs identified by NStar.
- 7. CLF will also specifically argue that certain distributed generation with clear societal benefits, including but not limited to municipally owned and/or operated wind power generation, should be exempt from any standby charges.
- 8. CLF requests that all notices, testimony, pleadings and correspondence pertaining to these proceedings be directed to the undersigned.

For the foregoing reasons, the D.T.E. should grant CLF's Petition for Leave to Intervene.

Respectfully submitted,

CONSERVATION LAW FOUNDATION, INC. By its Attorneys

Seth Kaplan Conservation Law Foundation 62 Summer Street Boston MA, 02210 (617) 350-0990

February 2, 2004

CERTIFICATE OF SERVICE

I certify that I have served a true copy of the foregoing Petition for Leave to Intervene of Conservation Law Foundation, Inc. this 2nd day of February, 2004 on the persons listed below by first-class mail, postage prepaid.

Seth Kaplan
Attorney for Conservation Law Foundation

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